

### **DETAILED ACTION**

Applicants are informed that the rejections of the previous Office action not stated below have been withdrawn from consideration in view of the Applicant's arguments and/or amendments. Claims 49-54, 56 and 61-67 are examined on the merits.

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: the prior art fails to teach an isolated avian cell that contains/expresses the host range genes C18L, C17L, C7L, K1L, B4R, B23R, and B24R or homologues with at least 90% homology with the gene of these host range genes. These host genes are not part of a poxvirus genome.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Salvatore J. Arago on October 21, 2008.

The application has been amended as follows:

In the specification:

Replace the existing title with the following:

--An isolated avian cell that expresses isolated Vaccinia virus host range genes --

IN THE CLAIMS:

In claim 49, at line 3 after "homologue", --with at least 90% homology in the coding part of the nucleotide sequence-- has been inserted.

*Summary*

Claims 49-54, 56 and 61-67 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN P. BLUMEL whose telephone number is (571)272-4960. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-1600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BENJAMIN P BLUMEL/  
Examiner  
Art Unit 1648

/Bruce Campell/  
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